

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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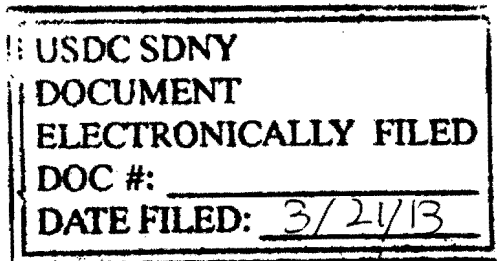
UNITED STATES OF AMERICA :

-v.- :

ALEX LEMBERG, :

Defendant. :

- - - - -X



NOLLE PROSEQUI  
10 Cr. 476 (TPG)

1. The filing of this nolle prosequi will dispose of this case against ALEX LEMBERG, the defendant.

2. On June 2, 2010, the Indictment in this case was filed, charging, among others, ALEX LEMBERG, the defendant, with securities fraud, securities fraud conspiracy, wire fraud, and wire and mail fraud conspiracy, in violation of Title 15, United States Code, Sections 78j(b) & 78ff; and Title 18, United States Code, Sections 371, 1343, and 1349.

3. On November 20, 2012, a Deferred Prosecution Agreement between the Government and ALEX LEMBERG, the defendant, was filed. The Agreement provided that the prosecution against LEMBERG would be "deferred during the term of [LEMBERG's] good behavior and satisfactory compliance with the terms of [the Agreement] for the period of three months" and that "upon completion of [LEMBERG's] supervision," "no further prosecution will be instituted in this District for the above offense[s]."

4. On or about February 21, 2013, Pretrial Services

Officer Jennifer Powers informed the Government that ALEX LEMBERG, the defendant, "has complied with all of the terms and conditions outlined in the [Deferred Prosecution Agreement]."

5. In light of the foregoing, the Government recommends that an order of nolle prosequi be filed as to ALEX LEMBERG, the defendant, with respect to Indictment 10 Cr. 476 (TPG).

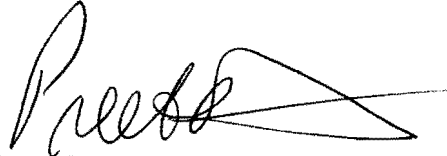


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CHI T. STEVE KWOK  
Assistant United States Attorney  
Tel.: (212) 637-2415

Dated: New York, New York  
March 7, 2013

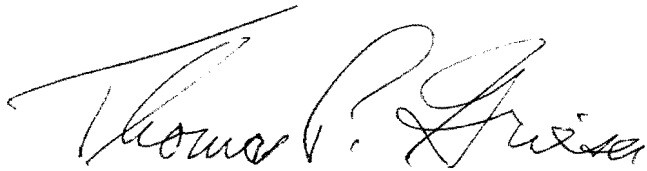
Upon the foregoing recommendation, I hereby direct,  
with leave of the Court, that an order of nolle prosequi be filed  
as to defendant ALEX LEMBERG with respect to Indictment 10 Cr.  
476 (TPG).



PREET BHARARA *Km ZLR*  
United States Attorney  
Southern District of New York

Dated: New York, New York  
March 13, 2013

SO ORDERED:



HON. THOMAS P. GRIESA  
United States District Judge  
Southern District of New York

Dated: New York, New York  
March 21, 2013